

# Examiner-Initiated Interview Summary

Application No.

09/867,181

Applicant(s)

JONES, DANA HOWARD

Examiner

Robert M. Pond

Art Unit

3625

## All Participants:

(1) Robert M. Pond.

(2) Mr. David Yang, #44,415.

## Status of Application: Allowable

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Date of Interview: 06 June 2007

Time: 12:24 PM EDT

## Type of Interview:

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

## Part I.

Rejection(s) discussed:

*None*

Claims discussed:

*Claims 1 and 24*

Prior art documents discussed:

*None*

## Part II.

### SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*Reached agreement on proposed claim language. See attached email from Mr. Yang.*

## Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

**Pond, Robert**

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**From:** Yang, David T. [dyang@mofo.com]  
**Sent:** Wednesday, June 06, 2007 12:24 PM  
**To:** Pond, Robert  
**Subject:** RE: Application No. 09/867,181

Dear Examiner Pond,

I have discussed your proposal with Dana and he is in agreement that your proposal is acceptable; we very much appreciate you making the effort to provide suggestions. Please let us know whether you would like for us to file a supplemental amendment or effect an Examiner's amendment on your end; we will do whatever is easiest and least time consuming for you. Again, thank you for all of the time you have invested in working with us on this application; your efforts are truly appreciated.

Warm regards,  
David Yang

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**From:** Pond, Robert [mailto:Robert.Pond@USPTO.GOV]  
**Sent:** June 05, 2007 1:47 PM  
**To:** Yang, David T.  
**Subject:** RE: Application No. 09/867,181

Hi Mr. Yang,  
Attached is a suggestion on how to fix the claims per our conversations yesterday. This overcomes Neel, is consistent with your title, abstract, specification, and your arguments cited in 3/6/06 and 2/21/07.

If you think I'm totally off the mark, then please explain to me why you, Mr. Jones and I spent significant time discussing Neel and amending around Neel (at least Fig. 7a and disclosures supporting Fig. 7a). Fig. 7a is all about a customer accessing content that requires a fee without charge to the customer on the precondition the

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customer views a sponsor's advertising message.

If this is not what you want then respond to the Non-responsive with previous arguments but strike arguments that content is being paid by a facilitator/interposed sponsor since it is ambiguous as to who if anyone is actually paying for content in Claim 1 (as entered on 2/21/07). Claim 24 (2/21/07) is broader with regards to content protection but implements the targeted aspects that we've discussed, i.e. consumer making a request for the media product. Claim 1 is ambiguous as to how the media product was identified. Claim 24 is ambiguous as to whether the consumer is accessing content that requires any sort of payment which renders the facilitator or sponsor paying aspects irrelevant. Claim 1 suffers the same ambiguity since "IP rights protection" alone does not inherently require royalty payments.

If we can't reach agreement on the suggested language in the attachment or mods to the suggestion, the next office action in response to your reply to the Non-response (due soon) will get Neel or other prior art on the record in terms of an office action. We can pick up from that point in prosecution to perfect, else you may choose to Appeal that action if we then cannot reach agreement.

Please contact me to let me know which direction you will take.

Respectfully,

Rob Pond

571-272-6760

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### **COMPLETE LISTING OF THE CLAIMS**

Claim 1 (currently amended): A method for distribution of products over the Internet via a facilitator, said method comprising the steps of:

a first step of receiving, from a content provider, a media product that is covered by intellectual-property rights protection, said media product being comprised of at least one of text data, music data, and video data;

a second step of providing the media product for sale at an Internet website;

a third step of restricting general public access to said media product;

a fourth step of offering to a consumer access to the media product on the precondition that the consumer views a sponsor message;

a fifth step of receiving from the consumer a request to view a the sponsor message, wherein the consumer submits said request in response to being offered access to the media product;

a sixth step of, in response to receiving the request from the consumer, facilitating the display of a sponsor message to the consumer; and

a seventh step of allowing said consumer access to said media product after said step of facilitating the display of said sponsor message.

~~Claim 2 (canceled)~~

~~Claim 3 (original): The method for distribution of products of claim 1, further comprising the step of maintaining a consumer activity log.~~

2  
Claim ~~4~~ (previously presented): The method for distribution of products of claim 1, further comprising the step of paying royalties to the content provider.

3  
Claim ~~5~~ (previously presented): The method for distribution of products of claim 1, further comprising the step of entering into a license agreement with the owner of the intellectual property rights associated with said media product.

~~Claims 6-8 (canceled)~~

4  
Claim ~~9~~ (previously presented): The method for distribution of products of claim 1, further comprising the step of barring the content provider from pretending to be said consumer.

~~Claim ~~10~~ (currently amended): The method for distribution of products of claim 1, further comprising the step receiving payment from the sponsor of the sponsor message displayed of presenting to said consumer a sign-up agreement.~~

5  
Claim ~~11~~ (currently amended): The method for distribution of products of claim ~~10~~, further comprising the step of tendering payment to the content provider ~~processing the sign-up agreement executed by said consumer.~~

6  
Claim ~~12~~ (original): The method for distribution of products of claim 1, further comprising the step of issuing to said consumer a password.

3  
Claim 13 (original): The method for distribution of products of claim 1, further comprising the step of verifying a submitted password.

Claim 14 (original): The method for distribution of products of claim 1, further comprising the step of selecting a sponsor message from a plurality of sponsor messages.

Claim 15 (original): The method for distribution of products of claim 1, further comprising the step of receiving consumer response to said displayed sponsor message.

Claim 16 (currently amended): A method for obtaining a media product by a consumer, said media product being provided by a content provider and being comprised of at least one of text data, sound data, and video data, said media product distributed via a facilitator, said method comprising the steps of:

a first step of selecting, from amongst a plurality of different media products, a specific media product covered by intellectual property rights protection, said specific media product being offered for sale on an Internet website;

a second step of requesting to access said selected specific media product;

a third step of, in response to the second step of requesting, receiving an offer from a facilitator to view a sponsor message as a precondition to receiving access to said selected specific media product;

a fourth step of confirming to view a sponsor message; and

a fifth step of accessing said media product after viewing said sponsor message.

Claim 17 (canceled)

Claim 18 (original): The method for obtaining products of claim 16, further comprising the step of completing a sign-up agreement.

Claims 19-20 (canceled)

Claim 21 (previously presented): The method for obtaining products of claim 16, further comprising the step of receiving a password.

Claim 22 (original): The method for obtaining products of claim 16, further comprising the step of submitting a password.

Claim 23 (original): The method for obtaining products of claim 16, further comprising the step of responding to the sponsor message.

8  
Claim 24 (currently amended): A method for distribution of products over the Internet via a facilitator, said method comprising the steps of:

a first step of providing a product list on an Internet website, wherein at least some of products are media products covered by intellectual property rights protection and are available for purchase, said media products being provided by content providers, wherein each said media product is comprised of at least one of text data, sound data, and video data;

a second step of restricting general public access to said media products;

a third step of offering to a consumer access to a requested media product on the precondition that the consumer views a sponsor message;

a fourth step of receiving from the consumer a request to view a sponsor message in response to said step of offering;

a fifth step of facilitating the display of a sponsor message to the consumer in response to receiving the request; and

a sixth step of allowing said consumer access to said requested media product after said step of facilitating the display of said sponsor message.

~~Claim 25 (canceled)~~

~~Claim 26 (currently amended): The method for distribution of products of Claim 24, further comprising the step of receiving payment from the sponsor of the sponsor message displayed presenting a sign-up agreement to the consumer.~~



9  
Claim ~~27~~ (currently amended): The method for distribution of products of Claim ~~26~~,  
further comprising the step of tendering payment to the content provider ~~processing the sign-up~~  
~~agreement executed by said consumer.~~

10  
Claim ~~28~~ (previously presented): The method for distribution of products of Claim ~~24~~,  
further comprising the step of issuing to said consumer a password.

11  
Claim ~~29~~ (previously presented): The method for distribution of products of Claim ~~24~~,  
further comprising the step of verifying a password submitted by said consumer.

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Claim 30 (previously presented): The method for distribution of products of Claim 24,  
further comprising the step of selecting a sponsor message from a plurality of sponsor messages.

Claim 31 (previously presented): The method for distribution of products of Claim 24,  
further comprising the step of receiving from said consumer a response to said sponsor message.

Claims 32-33 (canceled)

Claim 34 (previously presented): The method for distribution of products of Claim 24,  
further comprising the step of maintaining a consumer activity log.

Claim 35 (canceled)

<sup>12</sup>  
Claim ~~36~~ (previously presented): The method for distribution of products of Claim ~~24~~,<sup>8</sup>

further comprising the step of licensing from a content provider the right to distribute said media products.

<sup>13</sup>  
Claim ~~37~~ (previously presented): The method for distribution of products of Claim ~~24~~,<sup>8</sup>

further comprising the step of authoring a sponsor message.

<sup>14</sup>  
Claim ~~38~~ (previously presented): The method for distribution of products of Claim ~~24~~,<sup>8</sup>

further comprising the step of offering an advertiser the option to exhibit an advertisement message on said Internet web site.

<sup>15</sup>  
Claim ~~39~~ (previously presented): The method for distribution of products of Claim ~~24~~,<sup>8</sup>

further comprising the step of barring a content provider from pretending to be said consumer.

<sup>16</sup>  
Claim ~~40~~ (previously presented): The method of Claims 1, ~~16~~, or ~~24~~,<sup>8</sup> wherein the media

product accessed by the consumer is downloaded to a memory of a personal computer of the consumer.